

REMARKS

Pending claims 1-11, 14-20, and 22-26 are pending and rejected in the non-final Office Action.

Herewith Applicants cancel claims 14-18 and 22-25 without prejudice or disclaimer as to the subject matter thereof, amend claims 1-6, 10, 19, and 26, and add no new claims.

Applicants respectfully request entry and favorable consideration of the amendments and remarks presented herein.

I. Claim Rejections under 35 U.S.C. §112

Claims 19 and 20 were rejected as allegedly failing to comply with the written description requirement in that certain terminology was deemed to be new matter.

Applicants respectfully disagree, however, the word “prescribed” that formed the basis for the rejection in the claims has been deleted from claim 19 and since claim 20 depends therefrom the ground of rejection is now moot.

II. Claims Rejections under 35 U.S.C. §103

Claims 1, 4-6, 8-10, 14-16, 22, 23, and 26 stand rejected as allegedly unpatentable over the ‘328 patent to Foster et al. (Foster) in view of the ‘958 patent to Paul et al. (Paul).

Claims 2, 3, 7, 11-13, 17, 18, 24, and 25 stand rejected as allegedly unpatentable over Foster in view of Paul and in further view of the ‘901 published application of Greatbatch (GB).

Applicants respectfully suggest that given the amendments presented herewith the pending claims are patentably distinct from the combinations of Foster and Paul as well as Foster, Paul and GB, respectfully.

Notably, none of the cited and applied references, alone or in combination disclose a telemetrically coupled IMD and an MRI imaging device wherein their respective operating timing schemes are synchronized and, furthermore, wherein a plurality of synchronized timing schemes are realized. In addition, none of the references disclose the notion, claimed herewith, that some of the timing schemes for the IMD are intended to trigger an arrhythmia.

That is, none of the references disclose the limitations of the independent claims.

Thus, the proposed combinations fail as a matter of law to reach the basic required threshold of providing a *prima facie* case of obviousness, and the rejection must be withdrawn.

V. Conclusion

In view of the foregoing, it is believed that the application is now in condition for allowance and Applicants respectfully request the Examiner to issue a Notice of Allowance in due course so the instant invention can pass to timely issuance. The Examiner is invited to contact the undersigned with any questions regarding this application.

Respectfully submitted,

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